

32. Brokerage. BUYER represents that it has engaged no broker in connection with this transaction, and agrees to indemnify and hold SELLER harmless against any claim from any broker based upon any agreement, arrangement, or understanding alleged to have been made by BUYER. SELLER shall be solely responsible for the payment of any brokerage commission due any broker engaged by SELLER and agrees to indemnify and hold BUYER harmless against any claim from any broker based upon any agreement, arrangement or understanding made or alleged to have been made by SELLER.

33. Notices. All necessary notices, demands, and requests required or permitted to be given hereunder shall be deemed duly given when mailed by certified mail, postage prepaid, and, subject to the subsequent designation of another address, addressed as follows:

(a) To the SELLER: Dayton Heidelberg Distributing Co.
1518 Dalton Street
Cincinnati, OH 45214
ATTN: Albert W. Vontz, Chairman

With copy to: Nell D. Surber, Esquire
1110 Kenner Street
Cincinnati, OH 45214

(b) To the BUYER: Gardiner Broadcast Partners, Ltd.
433 Park Point Drive
Golden, CO 80401
ATTN: Clifton K. Gardiner

With copy to: David M. Silverman, Esquire
Cole, Raywid & Braverman
1919 Pennsylvania Ave., N.W.
Suite 200
Washington, D.C. 20006

34. Captions and Headings. The captions and headings herein are inserted only as matter of convenience and reference, and in no way define, limit or describe the scope of this Agreement or the intent of any provisions thereof.

35. No Implied Waiver. No failure or delay on the part of the parties hereto to exercise any right, power or privilege hereunder or under any instrument executed pursuant hereto shall operate as a waiver; nor shall any single or partial exercise of any right, power or privilege preclude any other right, power or privilege.

36. Time of Essence. Time is of the essence in the performance of this Agreement.

37. Entire Agreement. The Agreement contains all of the terms agreed upon by the parties with respect to the subject matter hereof.

38. Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signature to each counterpart were upon the same instrument.

IN WITNESS WHEREOF, each of the parties hereto has signed or caused this Agreement to be duly executed and delivered in his or its name and on his or its behalf on the date and year first above written.

DAYTON HEIDELBERG DISTRIBUTING CO.

By: 

Albert W. Vontz, Chairman

GARDINER BROADCAST PARTNERS, LTD.

By: 

Clifton K. Gardiner,
President, Gardiner Broadcasting
Corp., its General Partner

EXHIBIT I-A

In addition to KSNO(AM) and KSNO-FM, Assignor is also the licensee of WNOP(AM), Newport, Kentucky.

Section I**GENERAL INFORMATION****Part II — Assignee**

GARDINER BROADCAST PARTNERS, LTD.

1. Name of Assignee

Street Address (or other identification)

City

433 PARK POINT DRIVE GOLDEN

State

Zip Code

Telephone No.

(include area code)

CO

80401

(303) 526-1458

2. Does the contract submitted in response to Question 5, Part I of Section I embody the full and complete agreement between the assignor and assignee? ☒ YES ☐ NO

If No, explain in Exhibit No. _____

Section II**ASSIGNEE'S LEGAL QUALIFICATIONS****1. Assignee is:**☐ an individual☐ a general partnership☒ a limited partnership☐ a corporation☐ other

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership or corporation, describe in Exhibit No. _____ the nature of the applicant.

N/A

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

YES NO

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☒ YES ☐ NO
- (b) Will any funds, credit, etc., for construction, purchase or operation of the station be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents? ☐ YES ☒ NO

If Yes, provide particulars as Exhibit No. _____

4. (a) Has an adverse finding been made, adverse final action taken or consent decree approved by any court or administrative body as to the applicant or any party to the application in any civil or criminal proceeding brought under the provisions of any law related to the following: any felony, antitrust, unfair competition, fraud, unfair labor practices, or discrimination?

YES NO

☐ ☒

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in 4.(a)?

☐ ☒

If the answer to (a) or (b) above is Yes, attach as Exhibit No. _____, a full disclosure concerning the persons and matters involved, identifying the court or administrative body and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and disposition or current status of the matter. Information called for by this question which is already on file with the Commission need not be refiled provided: (1) the information is now on file in another application or FCC form filed by or on behalf of the assignee; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to; and (3) after making the reference, the assignee states, "No change

ASSIGNEE'S LEGAL QUALIFICATIONS

TABLE I PARTIES TO APPLICATION

5. (a) Complete Table I with respect to the assignee. (Note: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement).

INSTRUCTIONS: If applicant is an individual, fill out column (a) only. If applicant is a partnership, fill out columns (a), (b) and (d), state as to each general or limited partner (including silent partners) (a) name and residence, (b) nature of partnership interest (i.e., general or limited), and (d) percent of ownership interest. If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or owner interest or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or owner interest except that if such entity is a bank, insurance company or investment company (as defined by 15 U.S.C. §80a-3) which does not invest for purposes of control, the stock, membership or owner interest need only be reported if 5% or more

Applicants are reminded that questions 5 through 7 of this Section must be completed as to all "parties to this application" as that term is defined in the instructions to Section II of this form.

Name and Residence (Home) Address(es)	Nature of Partnership Interest or Office Held	Director or Member of Governing Board		% of: Ownership (O) or Partnership (P) or Voting Stock (VS) or Membership (M)
		YES	NO	
(a)	(b)	(c)		(d)
Gardiner Broadcasting Corp. 433 Park Point Drive Golden, CO 80401	General Partner			100% (P)
As to Gardiner Broadcasting Corp.:				
Clifton H. Gardiner 87 Oak Way Evergreen, CO 80439	President	X		75% (VS)
Rex R. Miller 3027 Eighth Avenue Pueblo, CO 81008	Vice President	X		15% (VS)
Patrick J. O'Keefe 2520 Cherry Street Denver, CO 80207	Secretary/Treasurer	X		10% (VS)

ASSIGNEE'S LEGAL QUALIFICATIONS

YES NO

5. (b) Does the applicant or any party to this application, own or have any interest in a daily newspaper or cable television system? ☐ YES ☒ NO

(c) Does the applicant or any party to this application have an ownership interest in, or is an officer, director or partner of, an investment company, bank, or insurance company which has an interest in a broadcast station, cable system or daily newspaper? ☐ YES ☒ NO

If the answer to questions 5(b) or (c) is Yes, attach as Exhibit No. _____, a full disclosure concerning persons involved, the nature of such interest, the media interest and its location.

OTHER BROADCAST INTERESTS

6. Does the applicant or any party to this application have any interest in or connection with the following?

(a) an AM, FM or TV broadcast station? ☐ YES ☒ NO

(b) a broadcast application pending before the FCC? ☒ YES ☐ NO

7. Has the applicant or any party to this application had any interest in or connection with the following:

(a) an application which has been dismissed with prejudice by the Commission? ☒ YES ☐ NO

(b) an application which has been denied by the Commission? ☐ YES ☒ NO

(c) a broadcast station, the license which has been revoked? ☐ YES ☒ NO

(d) an application in any Commission proceeding which left unresolved character issues against the applicant? ☐ YES ☒ NO

(e) If the answer to any of the questions in 6 or 7 is Yes, state in Exhibit No. II, the following information: ☐ YES ☐ NO

(i) Name of party having such interest;

(ii) Nature of interest or connection, giving dates;

(iii) Call letters of stations or file number of application, or docket number;

(iv) Location.

8. (a) Are any of the parties to this application related to each other (as husband, wife, father, mother, brother, sister, son or daughter)? ☐ YES ☒ NO

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station or pending application? ☐ YES ☒ NO

If the answer to (a) or (b) above is Yes, attach as Exhibit No. _____, a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

OWNERSHIP AND CONTROL

YES NO

9. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

☐ ☒

If Yes, provide particulars as Exhibit No. _____.

10. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained?

N/A

☐ ☐

If No, attach as Exhibit No. _____ a full explanation.

Section III

ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The applicant certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the facilities for three months.

☒ ☐

2. The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to the application, each loan by banks, financial institutions or others, and each purchase of equipment on credit; (b) it can and will meet all contractual requirements as to collateral, guarantees, and capital investment; (c) it has determined that all such sources (excluding banks, financial institutions and equipment manufacturers) have sufficient net liquid assets to meet these commitments.

☒ ☐

SECTION IV

ASSIGNEE'S PROGRAM SERVICE STATEMENT

FOR AM AND FM APPLICANTS

1. Attach as Exhibit No. III a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

FOR TELEVISION APPLICANTS

N/A

2. Ascertainment of Community Needs.

- A. State in Exhibit No. _____ the methods used by the applicant to ascertain the needs and interests of the public served by the station. Such information shall include (1) identification of representative groups, interests and organizations which were consulted and (2) the major communities or areas which applicant principally undertakes to serve.
- B. Describe in Exhibit No. _____ the significant needs and interests of the public which the applicant believes its station will serve during the coming license period, including those with respect to national or international matters.
- C. List in Exhibit No. _____ typical and illustrative programs or program series (*excluding Entertainment and News*) that applicant plans to broadcast during the coming license period to meet those needs and interests.

State the minimum amount of time, between 6:00 a.m. and midnight, the applicant proposes to normally devote each week to the program types listed below (*see definitions in Instructions*). Commercial matter, within a program segment, shall be excluded in computing the time devoted to that particular program segment, e.g., a 15-minute news program containing three minutes of commercial matter, shall be computed as a 12-minute news program.

	HOURS	MINUTES	% of TOTAL TIME ON AIR
NEWS	_____	_____	_____
PUBLIC AFFAIRS	_____	_____	_____
ALL OTHER PROGRAMS (<i>Exclusive of Sports and Entertainment</i>)	_____	_____	_____
LOCAL PROGRAMMING	_____	_____	_____

4. State the maximum amount of commercial matter the applicant proposes to allow normally in any 60-minute segments: _____
5. State the maximum amount of commercial matter the applicant proposes to allow normally in a 60-minute segment between the hours of 6 p.m. to 11 p.m. (5 p.m. to 10 p.m. Central and Mountain Times): _____
 - (a) State the number of hourly segments per week this amount is expected to be exceeded, if any: _____
6. State in Exhibit No. _____, in full detail, the reasons why the applicant would allow the amount of commercial matter stated in Question 4 and 5 above to be exceeded.

SECTION V

ASSIGNEE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

YES NO

1. Does the applicant propose to employ five or more fulltime employees?

☐ ☒

If the answer is Yes, the applicant must include an EEO program called for in the Model EEO Program. (FCC Form 396-A).

SECTION VI

Part II — Assignee

ASSIGNEE'S CERTIFICATION

The ASSIGNEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended).

The ASSIGNEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the ASSIGNEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

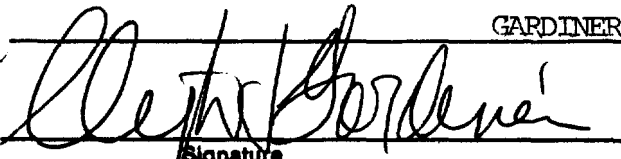
**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the assignee's statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 15th day of February 1991

GARDINER BROADCAST PARTNERS, LTD.

Name of Assignee



Signature

President, Gardiner Broadcasting Corporation
(Its General Partner)

Title

EXHIBIT II

Question No. 6(b): An application was filed with the Commission on January 14, 1991 requesting Commission consent to assign the licenses of KKMx(AM) and KKMx-FM, Hayden, Colorado, from Dwight H. Gayer d/b/a Radio Colorado Northwest to Gardiner Broadcast Partners, Ltd. ("Applicant"), FCC File Nos. BAL-910115EM and BALH-910115EN.

An application was filed with the Commission on January 17, 1991 requesting Commission consent to assign the license of KSMT(FM), Breckenridge, Colorado, from Summit Broadcasting, Inc. to Applicant, FCC File No. BALH-910117HZ.

An application was filed with the Commission on February 12, 1991 requesting Commission consent to assign the license of KZYR(FM), Avon, Colorado, from Rocky Mountain Wireless, Inc. to Applicant, FCC File No. BALH- .

Question No. 7(a): Gardiner Broadcasting Corp., general partner of the Applicant, filed an application for a new FM station in Bay City, Texas, FCC File No. BPH-880523MU, which was voluntarily dismissed on April 23, 1990.

EXHIBIT III

PROGRAM SERVICE STATEMENT

The Applicant intends to broadcast programming responsive to the community needs and interests, including news, public affairs and other programming designed to meet those needs and interests.

Federal Communications Commission
Washington, D.C. 20554

APPLICATION FOR RENEWAL OF LICENSE FOR
COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

Approved by OMB
3060-0110
Expires 5/31/91

For Commission Fee Use Only

FEE NO: 05004890

FEE TYPE:

MR4

FEE AMT:

30.00

ID SEQ:

06

For Applicant Fee Use Only

Is a fee submitted with this
application?

☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

For Commission Use Only:

File No.

891129ZU

1. Name of Applicant

Dayton Heidelberg Distributing Co.

Mailing Address

620 East Hopkins

City

Aspen

State

CO

ZIP Code

81611

2. This application is for:

☒ AM

☐ FM

☐ TV

(a) Call Letters:

KSNO

(b) Principal Community:

City

Aspen

State

CO

3. Attach as Exhibit No. DNA an identification of any FM
booster or TV booster station for which renewal of
license is also requested.

4. Have the following reports been filed with the Commission:

(a) The Broadcast Station Annual Employment
Reports (FCC Form 395-B) as required
by 47 C.F.R. Section 73.3612?

☒ Yes ☐ No

If No, attach as Exhibit No. RECEIVED as an explanation.

(b) The applicant's Ownership Report (FCC
Form 323 or 323-E) as required by 47
C.F.R. Section 73.3615?

891129 ☒ Yes ☐ No

If No, give the following information:

Date last ownership report was filed _____

Call letters of station for which it was filed _____

5. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☒ Yes ☐ No

If No, attach as Exhibit No. _____ an explanation.

6. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a full description of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation.

7. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact?

☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly why not. KSNO is operating within health and safety guidelines

of the American National Standards Institute (ANSI) and OST Bulletin #65 Oct. '89.

8. Has the applicant placed in its station's public inspection file at the appropriate times the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527?

☒ Yes ☐ No

If No, attach as Exhibit No. _____ a complete statement of explanation.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION: I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Tom Rouse	Signature	<i>Thomas A. Rouse</i>
Title	Vice President	Date	11/27/89

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

Communications Commission
Washington, D.C. 20554

APPLICATION FOR RENEWAL OF LICENSE FOR
COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

Approved by OMB
3060-0110
Expires 5/31/91

Commission Fee Use Only

FEE NO: 05004889

FEE TYPE: MRY

FEE AMT: 30.00

ID SEQ: 06

For Applicant Fee Use Only

Is a fee submitted with this application?

☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeeable application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee

☐ Governmental entity

For Commission Use Only:

File No.

891129 ZH

1. Name of Applicant

Dayton Heidelberg Distributing Co.

Mailing Address

620 E. Hopkins

City

Aspen

State

CO

ZIP Code

81611

2. This application is for:

☒ AM ☐ FM ☐ TV

(a) Call Letters:

WNO

(b) Principal Community:

City
Aspen

State
CO

3. Which as Exhibit No. DNA an identification of any FM booster or TV booster station for which renewal of license is also requested.

4. Have the following reports been filed with the Commission:

(a) The Broadcast Station Annual Employment Reports (FCC Form 395-B) as required by 47 C.F.R. Section 73.3612?

☒ Yes ☐ No

If No, attach as Exhibit No. _____ an explanation.

(b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by 47 C.F.R. Section 73.3615?

☒ Yes ☐ No

If No, give the following information:

Date last ownership report was filed _____

Call letters of station for which it was filed _____

RECEIVED
891129

5. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☒ Yes

If No, attach as Exhibit No. _____ an explanation.

6. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination? ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ a full description of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation.

7. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☒ No

If Yes, attach as Exhibit No. _____ an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly why not. KSNO is operating within health and safety guidelines of the American National Standards Institute (ANSI) and OST Bulletin #65 - Oct. '85

8. Has the applicant placed in its station's public inspection file at the appropriate times the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527? ☒ Yes ☐ No

If No, attach as Exhibit No. _____ a complete statement of explanation.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION: I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name Tom Rouse	Signature <i>Thomas A. Rouse</i>
Title Vice President	Date 11/27/89

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

BROADCAST EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REPORT

(To be filed with broadcast license renewal application)

(For FCC Use Only)

Code No.

Call Letters KSNO AM & FM

Name of Licensee Dayton Heidelberg Distributing Co.

City and State which station
is licensed to serve Aspen and Snowmass Village, CO.

TYPE OF BROADCAST STATION (Check one)

Commercial Broadcast Station

☐ AM

☐ TV

☐ FM

☐ Low Power TV

☒ Combined AM & FM
in same area

☐ International

Noncommercial Broadcast Station

☐ Educational Radio

☐ Educational TV

SEND NOTICES AND COMMUNICATIONS TO THE FOLLOWING NAMED PERSON AT THE ADDRESS INDICATED BELOW:

Name <u>Janette Darnauer</u>		Street Address <u>620 E. Hopkins</u>	
City <u>Aspen</u>	State <u>CO</u>	ZIP Code <u>81611</u>	Telephone No. <u>303-925-7383</u>

FILING INSTRUCTIONS

Broadcast station licensees are required to afford equal opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin, and sex. See Section 73.2080 of the Commission's Rules. ~~Under~~ these requirements, a license renewal applicant who employs five or more full-time station employees must file a report of its activities to ensure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, ~~Asians or~~ Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). If minority group representation in the available labor force is less than five percent (in the aggregate), equal employment opportunity (EEO) program information for minority group members need not be filed. However, EEO program information must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant employs fewer than five full-time employees, no equal employment opportunity activity information need be filed.

A copy of this report must be kept in the station's public file. These actions are required to obtain license renewal. Failure to meet these requirements may result in license renewal being delayed or denied. These requirements are contained in Section 73.2080 of the FCC Rules (47 CFR 73.2080), and are authorized by the Communications Act of 1934, as amended.

☐ If your station employs fewer than five full-time employees, check the box at left, complete the certification below, return the form to the FCC, and place a copy in your station's public file. You do not have to complete the rest of the form.

If your station employs five or more full-time employees, you must complete all of this form and follow all instructions.

☒ If minority group representation in the available labor force is less than 5 percent (in the aggregate) and you choose not to file EEO program information for minority groups, check the box at left and complete the rest of this form with only the information for your program directed towards women.

CERTIFICATION

This report must be certified, as follows:

- A. By licensee, if an individual;
- B. By a partner, if a partnership (general partner, if a limited partnership);
- C. By an officer, if a corporation or an association; or
- D. By an attorney of the licensee, in case of physical disability or absence from the United States of the licensee.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed
<i>Thomas A Rouse</i>
Title
Vice President
Date
11/27/89
Name of Respondent
Tom Rouse
Telephone No. (include area code)
(513) 421-5000

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the license renewal requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the license renewal application should be granted, denied, dismissed or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

The purpose of this document is to remind broadcast station licensees of their equal employment opportunity responsibilities and to provide the licensee, the FCC and the public with information about whether the station is meeting these requirements.

GENERAL POLICY

A broadcast station must provide equal employment opportunity to all qualified individuals without regard to their race, color, religion, national origin or sex in all personnel actions including recruitment, evaluation, selection, promotion, compensation, training and termination.

A broadcast station must also encourage applications from qualified minorities and women for hiring and promotion to all types of jobs at the station.

I. RESPONSIBILITY FOR IMPLEMENTATION

A broadcast station must assign a particular official overall responsibility for equal employment opportunity at the station. That official's name and title are:

NAME Jeanette Darnauer TITLE President & General Manager

It is also the responsibility of all persons at a broadcast station making employment decisions with respect to recruitment, evaluation, selection, promotion, compensation, training and termination of employees to ensure that no person is discriminated against in employment because of race, color, religion, national origin or sex.

II. POLICY DISSEMINATION

A broadcast station must make effective efforts to make management, staff, and prospective employees aware that it offers equal employment opportunity. The Commission considers the efforts listed below to be generally effective. Indicate each practice that your station follows. You also may list any other efforts that you have undertaken.

- ☒ Notices are posted informing applicants and employees that the station is an Equal Opportunity Employer and that they have the right to notify an appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.
- ☒ Our station's employment application form contains a notice informing prospective employees that discrimination because of race, color, religion, national origin or sex is prohibited and that they may notify the appropriate local, State, or Federal agency if they believe they have been the victims of discrimination.
- ☐ We seek the cooperation of the unions represented at the station to help implement our EEO program and all union contracts contain a nondiscrimination clause. There are no unions at KSNO.
- ☒ Other (specify) On-air announcements of job vacancies include EEO information.

III. RECRUITMENT

A broadcast station must make efforts to attract qualified minority and women applicants for all types of jobs at the station whenever vacancies occur.

Indicate each practice that your station follows and, where appropriate, list sources and numbers of referrals.

- ☒ When we place employment advertisements with media some of such advertisements are placed with media which have significant circulation or viewership, or are of particular interest to minorities and women in the recruitment area. Examples of media utilized during the past 12 months and the number of minority and/or women referrals are:

	Number of Referrals	
	Minority	Women
<u>Rocky Mountain News, KSNO AM/FM,</u>		
<u>Aspen Times and Aspen Daily News, Denver Post & Glenwood Post</u>		<u>4</u>

☒

Recruit prospective employees from educational institutions, including area schools and colleges with minority and women enrollments. Educational institutions contacted for recruitment purposes during the past 12 months and the number of minority and/or women referrals are:

Educational Institution

University of Colorado & University of Denver

	Number of Referrals
Minority Women	
Black	60
Hispanic	70
Other Minority	80
Total	210

Q

☒

Contact a variety of minority and women's organizations to encourage the referral of qualified minority and women applicants whenever job vacancies occur. Examples of such organizations contacted during the past 12 months are:

Organization

Aspen Women's Forum (the only such organization)

	Number of Referrals
Minority	Women

0

☒

We encourage present employees to refer qualified minority and women candidates for job openings. The number of minority and/or women referrals are:

Minority	Women
	5

2

☒

Other (specify) and the number of minority and/or women referrals are:

Trade publications--Gavin, R&R, Colorado Broadcasters Association,
Radio TV News Directors Association

Minority	Women
5	5

2

IV. JOB HIRES

A broadcast station must consider applicants for job openings on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for available positions, it must make efforts to encourage them to apply for job openings.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) October 15, 1988 and ending (Month-Day-Year), October 15, 1989 we hired:

Total hires 12 Minorities Women 7

During this period, for positions in the upper four job categories, we hired:

Total hires, upper 12 Minorities Women 7
four categories

V. PROMOTIONS

A broadcast station must promote individuals on a nondiscriminatory basis. Further, to assure that qualified minorities and women are given due consideration for promotional opportunities, it must make efforts to encourage them to qualify and apply for advancement.

During the twelve-month period prior to filing this application beginning (Month-Day-Year) October 15, 1988 and ending (Month-Day-Year) October 15, 1989, we promoted:

Total promotions 2 Minorities Women 1

During this period, in the upper four job categories, we promoted:

Total promotions, upper four categories 2 Minorities Women 1

VI. AVAILABLE LABOR FORCE

A broadcast station must evaluate its employment profile and job turnover against the availability of minorities and women in the relevant labor market. The FCC will use labor force data for the MSA in which your station is located, or county data if the station is not located in an MSA, to evaluate your station's equal employment efforts. If you use these data in your evaluation, you need not submit them to the FCC.

This section is optional:

As an alternative to MSA or county labor force data, you may use other data that more accurately reflect the percentages of women and minorities in the labor force available to your station. If such alternative data are used, that data must be submitted on the table below and an explanation attached as to why they are more appropriate.

Percentage in the Labor Force	Women	Blacks not of Hispanic Origin	Asian or Pacific Islanders	American Indians or Alaskan Natives	Hispanics

The above information is for:

☐

M.S.A.

☐

City

☐

County

☐

Other (specify)

VII. COMPLAINTS

You must provide here a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the station including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter. Examples of such jurisdiction may include the Equal Employment Opportunity Commission, state and local equal opportunity commissions, or other appropriate agencies.

None filed

VIII. OTHER INFORMATION

You may also describe other information that you believe would allow the FCC to evaluate more completely your efforts in providing equal opportunity in employment at your station. Submission of such information is optional. Among the additional information you may choose to provide are:

Any training programs the station has undertaken that are designed to enable minorities and women to compete in the broadcast employment market including, but not necessarily limited to, on-the-job training and assistance to students, schools or colleges.

Provide annual internships through Colorado colleges and universities.

Any problems the station has experienced in assuring equal employment opportunity, or attracting qualified minority and women candidates for employment or promotion.

Organizations for minorities and women are either minimal or non-existent in Pitkin County so more creative alternatives must be used.

Any efforts the station has undertaken or will undertake to promote equal opportunity in its employment and to encourage applications from minorities and women.

LAW OFFICES

HALEY, BADER & POTTS

SUITE 600

2000 M STREET, N.W.

WASHINGTON, D.C. 20036-4574

(202) 331-0606

November 29, 1989

ANDREW G. HALEY (1904-1966)
MICHAEL H. BADER
WILLIAM J. POTTS, JR.
HENRY A. SOLOMON
WILLIAM J. BYRNES
RICHARD M. RIEHL
JOHN WELLS KING
JOHN M. PELKEY
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MARY PRICE TAYLOR
KATHLEEN VICTORY
DAVID G. O'NEIL

LARRY D. SUMMERVILLE
BROADCAST ANALYST

TELECOPIER
(202) 296-8679

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D. C. 20554

Dear Ms. Searcy:

Transmitted herewith in duplicate, on behalf of Dayton Heidelberg Distributing Company, are renewal of license applications (FCC Forms 303-S) for radio stations KSNO, Aspen, Colorado and KSNO-FM, Snowmass Village, Colorado.

Renewal is also requested for associated auxiliary facilities Aural STL-WLF-201 and R.P. Base/Mobile System WZZ-796 (1-5).

Included herewith in duplicate is FCC Form 99 and accompanying EEO program for KSNO AM/FM.

RECEIVED

89 11 29

A complete ownership report for the licensee was filed with the Commission on March 17, 1989, and remains current and unchanged to date.

Submitted herewith is the licensee's check in the amount of \$60.00 in payment of the required \$30.00 per station renewal application filing fees.

If there are any questions concerning this matter, kindly communicate directly with this office.

Very truly yours,

John Wells King

Enclosures

LDS/lbs

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

LOAN AGREEMENT NO. - 88-7
CALL LETTERS OF STATION - KSNO, KTYE

EQUIPMENT LOAN AGREEMENT BETWEEN THE FEDERAL COMMUNICATIONS COMMISSION
AND * ALBERT W. VONIZ, A. V. COMMUNICATIONS INC.

The equipment listed on attached Schedule A will be owned by the United States Government and will be charged to the Federal Communications Commission.

It is proposed that said equipment be made available on a loan basis to * ALBERT W. VONIZ, A. V. COMMUNICATIONS INC.

It has been determined by the Federal Communications Commission that the loan of said equipment, for the purpose of establishing an Emergency Broadcast System and related emergency communications systems, is necessary for survival in the event of a National emergency, and will promote the national defense.

THEREFORE, the Federal Communications Commission, hereinafter referred to as the Licensor, while asserting that title to said equipment will be retained by the United States Government, grants to * ALBERT W. VONIZ, A. V. COMMUNICATIONS INC. hereinafter referred to as the Licensee, the custody and possession of equipment listed on attached Schedule A (hereinafter referred to as "the equipment"), as such time as the Licensee assumes custody of said equipment subject to the following terms and conditions:

GENERAL

1. The term of this license will be concurrent with the station's regular broadcast authorization, and automatically renewed when the broadcast authorization is renewed, except that the Licensor reserves the right to revoke or amend this agreement for failure or refusal of the Licensee to comply with its terms.

2. This agreement may be terminated by the Government at any time, without notice. If so terminated, the Government (within 30 days) will remove all equipment owned by it, at Government expense, and without damage to the Licensee's property. The Licensee may terminate the agreement upon 120 days notice.

* Name must be exactly as it appears on the FCC broadcast station authorization.